

ORDER NO. 1473

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton;
Tony Hammond; and
Robert G. Taub

Tyner Post Office
Tyner, Indiana

Docket No. A2012-127

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued September 21, 2012)

Notice is hereby given that, on September 18, 2012, the Commission received a Petition for Review of the Postal Service's closure of the Tyner post office in Tyner, Indiana. The Petition for Review was filed by Alan Burkholder and is postmarked September 12, 2012. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2012-127 to consider Petitioner's appeal. Petitioner may further explain his position with supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than October 11, 2012.

Categories of issue apparently raised. The Postal Service failed to consider whether or not it will continue to provide a maximum degree of effective and regular postal services to the community. See 39 U.S.C. 404(d)(2)(A)(iii).

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is October 1, 2012. See 39 CFR 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is October 1, 2012.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at prc-dockets@prc.gov or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 CFR 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at prc-dockets@prc.gov or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 CFR 3025.14. Initial comments supporting a remand of this case are to be filed on or before October 11, 2012. This and other deadlines are set out in the attached Procedural Schedule. See 39 CFR 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 CFR 3025.2(c).

It is ordered:

1. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than October 1, 2012.
2. Any responsive pleading by the Postal Service to this Notice is due no later than October 1, 2012.
3. The Procedural Schedule listed below is hereby adopted.
4. Pursuant to 39 U.S.C. 505, Patricia A. Gallagher is designated officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Shoshana M. Grove
Secretary

PROCEDURAL SCHEDULE

September 20, 2012	Filing of Appeal
October 1, 2012	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
October 1, 2012	Deadline for the Postal Service to file any responsive pleading
October 11, 2012	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 CFR 3025.41)
October 31, 2012	Deadline for answering brief in support of the Postal Service (see 39 CFR 3025.42)
November 14, 2012	Deadline for reply briefs in response to answering briefs (see 39 CFR 3025.43)
January 10, 2013	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5))